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December 9, 2005

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CC Docket No. 02-6

Request for Waiver: Form 486 120 day deadline

Billed Entity Name: Bay County School District

Form 471 Application Number: 398681

Billed Entity Number: 127622

FRN 1090162

Billed Entity Name: Bay County School District

Form 471 Application Number: 398681

Billed Entity Number: 127622

FRN: 1090207

Undue Hardship

Bay County Schools enrolls 27,000 students. Bay offers a comprehensive curriculum that meets the needs of all students. The telecommunication service, requested through the E-rate program, is the backbone for funding connectivity between the district and our schools.

As most school districts in today's educational environment, resources are limited and technology funds are a concern. The USAC Form 471 Receipt Acknowledgement letter committed to funding Bay District E-rate (Year2004) resulted in pre-discounted \$571,577.16 of annual savings to the district. **This is significant in terms of funding abilities.**

Without question, a reduction in funding due to missing the 120 day limit resulted in a change in the Service Start Date on Form 486. This reduction will place an undue hardship on this school district and will result in educational cutbacks. Reduction of funds will require financial decisions that would impact the education programs of all students.

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For the first time since applying for E-Rate funds, Bay District failed to submit the Form 486 within the 120 day limit. As a result, the Service Start date was changed and funding significantly reduced. Bay District sees the need for telecommunications for schools and students as an essential educational tool.

The following circumstances occurred after filing the first Form 471, causing a great deal of confusion:

- Received the Receipt Acknowledgment Letter February 3, 2004
- The "PIATeam" began a review of Form 471 for Funding Year 2004 in December 2004 with Steve Tenzer.
- Steve Tenzer was helpful in resubmitting a new Form 471.
- We had put the wrong service dates in the first Form 471.
- Resubmitted Form 471, and on January 11, 2005 received the Commitment Decision Letter for 2004 Funding.
- On April 4, 2005 a letter from Zeshan Ahmed "PIATeam" reviewing Form 471, Funding Year 2005 was received.
- From April 4, 2005 to May 15, 2005 communication problems occurred. It seem like we were redoing all over again what had been done with the "PIATeam" for Funding Year 2004. Increased amounts of paperwork were required.¹
- On September 20, 2005 the District became aware that the 486 Form was not on file.
- Immediately Form 486 Notification was filed.
- Received Form 486 Notification with reduction from \$351,952.47(discounted) to \$28,817.08.
- Responsible party for filing E-Rate forms had a difficult year with the passing of husband and mother.

The complexity of E-rate program rules and filing is confusing when there is an interruption in the normal filing process. Bay District feels the law for filing and following SLD procedures was not intended to cause undue stress and paperwork but as the rules for audits and reviews become even more strict, the application process has become a full time job for one staff person, a person whom, we can not afford.

The Federal Communications Commission made comments about the need for reducing the burden on Program Participants.² In small districts such as Bay, the staff carries many

¹ See Attachments

² Universal Service Administrative Company (USAC). ISAC Files Comments in FCC Comprehensive Review of USF (10/19/05). P.148 October 26, 2005.

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responsibilities. Both the E-rate application process and maintaining communications between USAC and the school district are very time consuming.

In the press release of the National Education Technology Plan, Secretary Paige states that "We must not fall behind. A business that does not keep pace with change will soon be out of business. And our schools are no different. We must seize the moment and the new opportunities before us. *No Child Left Behind* has given us a mission. And technology offers us another means to achieve it."³

Thank you for considering this matter. Your positive response will support Bay District School's continuing efforts in providing the essential tools necessary for developing and maintaining a 21st Century learning environment.

Authorized signature: James E. McCalister
Title: Superintendent of Bay District Schools

Cc: Senator Bill Nelson
House Speaker Allan Bense
Congressman Allen Boyd

<http://www.universalservice.org/download/pdf/USAC%20NPRM%20COMMENTS%2010-18%20FINAL.pdf>

³ U.S. Department of Education. Prepared Remarks for Secretary Paige at the Release of the National Education Technology Plan. (01/07/05) October 26, 2005.
<http://www.ed.gov/news/speeches/2005/11/11022005.html>